## THE HONORABLE JAMES L. ROBART 1 2 3 4 5 6 7 IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WASHINGTON 8 AT SEATTLE 9 MICROSOFT CORPORATION, Case No. C10-1823-JLR 10 Plaintiff, [PROPOSED] ORDER DENYING VS. 11 **DEFENDANTS' MOTION FOR** MOTOROLA, INC., et al., SUMMARY JUDGMENT 12 13 Defendants. **NOTED FOR:** Friday, July 31, 2013 at 10:00 AM 14 MOTOROLA MOBILITY LLC, et al., 15 Plaintiffs, 16 VS. 17 MICROSOFT CORPORATION, 18 Defendants. 19 THIS MATTER comes before the Court on Defendants' Motion for Summary 20 Judgment. The Court has considered the pleadings filed and therefore deems itself fully 21 advised. Based on the pleadings submitted, 22 IT IS ORDERED THAT: 23 Defendants' Motion for Summary Judgment is DENIED. 24 25

[PROPOSED] ORDER DENYING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT - 1

1	DATED this 12th day of July, 2013.			
2				
3	HONORABLE JAMES L. ROBART			
4	,	Dungantad have		
5		Presented by: CALFO HARRIGAN LEYH & EAKES LLP		
6		By <u>s/Arthur W. Harrigan, Jr.</u>		
7		Arthur W. Harrigan, Jr., WSBA #1751		
8		By s/Christopher Wion		
		Christopher Wion, WSBA #33207		
9		Bys/Shane P. Cramer		
10		Shane P. Cramer, WSBA #35099		
11		999 Third Avenue, Suite 4400		
11		Seattle, WA 98104		
12		Phone: 206-623-1700		
		<u>arthurh@calfoharrigan.com</u> chrisw@calfoharrigan.com		
13		shanec@calfoharrigan.com		
14		same o carronal guine car		
15		By s/T. Andrew Culbert		
16		T. Andrew Culbert		
		By <u>s/David E. Killough</u>		
17		David E. Killough		
18		MICROSOFT CORPORATION		
19		1 Microsoft Way		
17		Redmond, WA 98052		
20		Phone: 425-882-8080		
21		Fax: 425-869-1327		
22		David T. Pritikin		
22		Richard A. Cederoth		
23		Constantine L. Trela, Jr. William H. Baumgartner, Jr.		
24		Ellen S. Robbins Douglas I. Lewis		
25	IDDODOSEDI ODDED DENVINC	LAW OFFICES		

[PROPOSED] ORDER DENYING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT - 2

## Case 2:10-cv-01823-JLR Document 740-1 Filed 07/12/13 Page 3 of 5

1	David C. Giardina John W. McBride
2	Nathaniel C. Love
3	
4	SIDLEY AUSTIN LLP One South Dearborn
5	Chicago, IL 60603 Phone: 312-853-7000
6	Fax: 312-853-7036
7	Carter G. Phillips Brian R. Nester
8	SIDLEY AUSTIN LLP
9	1501 K Street NW Washington, DC 20005
10	Telephone: 202-736-8000 Fax: 202-736-8711
11	
12	Counsel for Microsoft Corp.
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	

[PROPOSED] ORDER DENYING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT - 3

1	CERTIFICATE OF SERVICE				
1	I, Florine Fujita, swear under penalty of perjury under the laws of the State of				
2	Washington to the following:				
3	1. I am over the age of 21 and not a party to this action.				
4	2. On the 12th day of July, 2013, I caused the preceding document to be served on				
5	counsel of record in the following manner:				
5	Attornova for Motorolo Colutiona Inc. and Motorolo Mobility Inc.				
	Attorneys for Motorola Solutions, Inc., and Motorola Mobility, Inc.:				
;	Ralph Palumbo, WSBA #04751 Philip S. McCune, WSBA #21081 Messenger				
	Lynn M. Engel, WSBA #21934 US Mail				
	Summit Law Group Facsimile 315 Fifth Ave. South, Suite 1000 X ECF				
	Seattle, WA 98104-2682				
	Telephone: 206-676-7000 Email: Summit1823@summitlaw.com				
	Steven Pepe (pro hac vice) Messenger				
	Jesse J. Jenner ( <i>pro hac vice</i> ) US Mail Ropes & Gray LLP Facsimile				
	1211 Avenue of the Americas X ECF				
	New York, NY 10036-8704 Telephone: (212) 596-9046				
	Email: steven.pepe@ropesgray.com				
	Email: jesse.jenner@ropesgray.com				
	Norman H. Beamer ( <i>pro hac vice</i> ) Messenger				
	Ropes & Gray LLPUS Mail				
	1900 University Avenue, 6 <sup>th</sup> Floor Facsimile East Palo Alto, CA 94303-2284 X ECF				
	Telephone: (650) 617-4030 Email: norman.beamer@ropesgray.com				
	Email: <u>norman.beamer@ropesgray.com</u>				
- 1	1				

[PROPOSED] ORDER DENYING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT - 4

## Case 2:10-cv-01823-JLR Document 740-1 Filed 07/12/13 Page 5 of 5

1	Paul M. Schoenhard (pro hac vice)		_ Messenger
1	Ropes & Gray LLP One Metro Center		_ US Mail Facsimile
2	700 12 <sup>th</sup> Street NW, Suite 900	X	_ Pacsinine ECF
	Washington, DC 20005-3948	Λ	_ LCI
3	Telephone: (202) 508-4693		
4	Email: Paul.schoenhard@ropesgray.com		
7			
5			
	Andrea Pallios Roberts (pro hac vice)		_ Messenger
6	Brian C. Cannon (pro hac vice)		_ US Mail
7	Quinn Emanuel Urquhart & Sullivan, LLP		_ Facsimile
7	555 Twin Dolphin Drive, 5th Floor	X	_ ECF
8	Redwood Shores, CA 94065		
	Telephone: (650) 801-5000		
9	Email: andreaproberts@quinnemanuel.com		
	Email: briancannon@quinnemanuel.com		
10			
11	Kathleen M. Sullivan (pro hac vice)		Massangar
	David Elihu (pro hac vice)		_ Messenger US Mail
12	Quinn Emanuel Urquhart & Sullivan, LLP		_ US Maii Facsimile
	51 Madison Ave., 22 <sup>nd</sup> Floor		ECF
13	New York, NY 10010	<u> </u>	_ LCI
14	Telephone: (212) 849-7000		
14	Email: kathleensullivan@quinnemanuel.com		
15			
16	William Price (pro hac vice)		_ Messenger
17	Quinn Emanuel Urquhart & Sullivan, LLP		_ US Mail
1/	865 S. Figuera St., 10 <sup>th</sup> Floor		_ Facsimile
18	Los Angeles, CA 90017	X	_ ECF
	Telephone: (212) 443-3000		
19	Email: williamprice@quinnemanuel.com		
20	MicrosoftvMotoBreachofRANDCase@quinnemanuel.com	<u>a</u>	
20	DATED 41: 1241 days of Index 2012		
21	DATED this 12th day of July, 2013.		
22			
	s/ Florine Fuji	ta	
23	FLORINE FUJ		
24			
<b>-</b> '			

[PROPOSED] ORDER DENYING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT - 5

25